

AMENDED IN ASSEMBLY JULY 17, 2001

AMENDED IN SENATE APRIL 30, 2001

SENATE BILL

No. 470

Introduced by Senator Sher

February 22, 2001

An act to amend Sections 25112.5, 25116.5, 25143.12, 25150.6, 25159, 25159.5, 25159.6, 25159.7, 25159.8, ~~and 25159.9~~ 25159.9, 25163.3, *and* 25201.6 of, to add Sections 25200.4 and 25250.28 to, and to repeal Section 25169.1 of, the Health and *Safety* Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as amended, Sher. Hazardous waste control: management: used oil.

(1) Existing hazardous waste control laws provide for a state hazardous waste program in lieu of the federal program pursuant to specified provisions of the federal Resource Conservation and Recovery Act of 1976 (RCRA). Existing law requires the Department of Toxic Substances Control to conform its standards and regulations with the federal regulations adopted pursuant to RCRA and provides that those federal regulations shall be deemed to be regulations of the department, except as specified. The term "federal act" is defined in the hazardous waste control law to mean RCRA.

This bill would make technical changes in those provisions to utilize that definition and would make other nonsubstantive technical changes.

(2) Existing law defines the term "disclosure statement," for purposes of the hazardous waste control law, as including, in lieu of a

statement containing specified information, a copy of specified periodic reports filed with the Securities and Exchange Commission.

This bill would revise the definition of “disclosure statement” for purposes of that law, ~~to exclude the use of those reports for a commercial offsite hazardous waste facility in lieu of the statement and would make other changes~~ regarding the information required to be included in the statement.

(3) Existing law defines the term “intermediate manufacturing process stream” for purposes of those laws. A violation of the hazardous waste control laws is a crime.

The bill would revise the definition of “intermediate manufacturing process stream” to require the person producing the material to make an additional demonstration and would specify when a material is not included in that definition.

(4) Existing law exempts debris contaminated only with petroleum from the hazardous waste control laws, if the debris meets specified conditions.

This bill would instead exempt debris contaminated with crude oil from regulation and would impose additional requirements as a condition for this exemption.

(5) *Under existing law, the department is authorized to exempt, until January 1, 2002, by regulation, a hazardous waste management activity from the requirements of the hazardous waste control law.*

This bill would extend that authority until January 1, 2003, but would authorize the department, on and after January 1, 2002, to exempt a hazardous waste pursuant to this authority only if the regulation governs a specified type of hazardous waste, identifies the hazardous waste as a universal waste, and amends specified existing regulations of the department.

(6) Existing law requires the Department of Toxic Substances Control to deny, suspend, or revoke the registration of any hazardous waste transporter pursuant to specified formal administrative adjudication procedures, if necessary to prevent or mitigate an imminent and substantial danger to human health and safety or to the environment, and exempts this denial, suspension, or revocation from provisions generally authorizing the department to temporarily suspend a permit, registration, or certificate, prior to a hearing, under specified circumstances.



The bill would repeal the provision requiring the department to deny, suspend, or revoke the registration of a hazardous waste transporter pursuant to those formal adjudication procedures.

~~(6)~~

(7) Existing law exempts a person who initially collects any certain hazardous waste at a remote site and transports the hazardous waste to a consolidation site from complying with the requirements concerning possession of a manifest and registration as a hazardous waste transporter, if the person complies with specified conditions, including if not more than 275 gallons or 2,500 pounds, whichever is greater, of hazardous waste is transported in any shipment, except that a generator who is a public utility or municipal utility district may transport up to 500 gallons of liquid hazardous waste in a shipment.

This bill would additionally authorize a generator who is a public utility or municipal utility district to transport up to 1,500 gallons of hazardous wastewater from the dewatering of one or more utility vaults under that exemption, and would make conforming changes.

(8) Existing law requires hazardous waste facilities to operate under hazardous waste facilities permits issued by the department. The existing Wright-Polanco-Lempert Hazardous Waste Treatment Permit Reform Act of 1992 requires the department to adopt regulations for series A, B, and C standardized permits for offsite non-RCRA hazardous waste treatment or storage facilities.

This bill would require any application to use and operate a hazardous waste facility, including an applicant for a series C standardized permit, to include a specified disclosure statement, but would exempt from those requirements a person operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

~~(7)~~

(9) Existing law provides that facilities engaging in treating solvents or thermal destruction are not eligible for a standardized permit but excludes, for purposes of this requirement, the incidental destruction of small amounts of nonmetal constituents in a specified thermal treatment unit.

This bill would instead provide that, for purposes of eligibility for a standardized permit, treating solvents and thermal destruction do not include the destruction of nonmetal constituents in a specified thermal treatment unit, if the unit is in compliance with the applicable requirements regulating air pollution.



(10) Existing law requires used oil to be managed as a hazardous waste unless the used oil meets specified requirements. A violation of the laws regulating used oil is a crime.

This bill would exclude, from the provisions regulating the management of used oil, and would exclude from classification as a waste under the hazardous waste control laws, oil that is being managed by an automated onboard oil management system, as defined, that is ~~approved by the department. The bill would require the department, before an automated onboard oil management system may be operated in a new class of equipment, to approve that operation pursuant to a specified procedure applied to a mining vehicle with a gross vehicle weight capacity in excess of 200,000 pounds or a locomotive, under specified conditions, or if the State Air Resources Board, after consultation with the department, approves the system, in accordance with specified requirements.~~

~~(8)~~

(11) The bill would make conforming and related changes.

~~(9)~~

(12) Because a violation of the bill's requirements would be a crime, pursuant to other provisions of law, the bill would impose a state-mandated local program.

~~(10)~~

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25112.5 of the Health and Safety Code
2 is amended to read:
3 25112.5. (a) "Disclosure statement" means a statement
4 submitted to the department by an applicant, signed by the
5 applicant under penalty of perjury, which includes all of the
6 following information:



(1) The full name, business address, social security number, and driver's license number of all of the following:

(A) The applicant.

(B) Any officers, directors, or partners, if the applicant is a business concern.

(C) All persons or any officers, partners, or any directors if there are no officers, of business concerns holding more than 5 percent of the equity in, or debt liability of the applicant, except that if the debt liability is held by a lending institution, the applicant shall only supply the name and address of the lending institution.

(2) Except as provided in subdivision (b), the following persons listed on the disclosure statement shall submit properly completed fingerprint cards:

(A) The sole proprietor.

(B) The partners.

(C) Other persons listed in subparagraph (C) of paragraph (1) and any officers or directors of the applicant company as required by the department.

(3) Fingerprint cards submitted for any person required by paragraph (2) shall only be submitted once. Fingerprint cards shall be completed and submitted for any additional person only if there is a change in the person serving in a position for which fingerprint cards are required to be submitted pursuant to paragraph (2). The department shall use the information required by paragraph (2) to positively identify the applicant.

(4) The full name and business address of any business concern that generates, transports, treats, stores, recycles, disposes of, or handles hazardous waste and hazardous materials in which the applicant holds at least a 5 percent debt liability or equity interest.

(5) A description of any local, state, or federal licenses, permits, or registrations for the generation, transportation, treatment, storage, recycling, disposal, or handling of hazardous waste or hazardous materials applied for, or possessed by the applicant, or by the applicant under any previous name or names, in the five years preceding the filing of the statement, or, if the applicant is a business concern, by the officers, directors, or partners of the business concern, including the name and address of the issuing agency.

(6) A listing and explanation of any final orders or license revocations or suspensions issued or initiated by any local, state, or federal authority, in the five years immediately preceding the filing of the statement, or any civil or criminal prosecutions filed in the five years immediately preceding, or pending at the time of, the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal, or handling of hazardous waste or hazardous materials by the applicant, or by the applicant under any previous name or names, or, if the applicant is a business concern, by any officer, director, or partner of the business concern.

(7) A listing of any agencies outside of the state that regulate, or had regulated, the applicant's, or the applicant's under any previous name or names, generation, transportation, treatment, storage, recycling, disposal, or handling of hazardous waste or hazardous materials in the five years preceding the filing of the disclosure statement.

(8) A listing and explanation of any federal or state conviction, judgment, or settlement, in the five years immediately preceding the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal, or handling of hazardous waste or hazardous materials by the applicant, or by the applicant under any previous name or names, or if the applicant is a business concern, by any officer, director, or partner of the business concern.

(9) A listing of all owners, officers, directors, trustees, and partners of the applicant who have owned, or been an officer, director, trustee, or partner of, any company that generated, transported, treated, stored, recycled, disposed of, or handled hazardous wastes or hazardous materials and which was the subject of any of the actions described in paragraphs (6) and (8) for the five years preceding the filing of the statement.

(b) Notwithstanding paragraph (2) of subdivision (a), a corporation, the stock of which is listed on a national securities exchange and registered under the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78a et seq.), or a subsidiary of such a corporation, is not subject to the fingerprint card requirements of subdivision (a).

(c) ~~(4)~~—In lieu of the statement specified in subdivision (a), a corporation, the stock of which is listed on a national securities

1 exchange or on the National Market System of the NASDAQ
2 Stock Market and registered under the Securities Exchange Act of
3 1934 (15 U.S.C. Sec. 78a et seq.), or a subsidiary of that
4 corporation, may submit to the department copies of all periodic
5 reports, including, but not limited to, those reports required by
6 Section 78m of Title 15 of the United States Code and Part 229
7 (commencing with Section 229.10) of Chapter II of Title 17 of the
8 Code of Federal Regulations that the corporation or subsidiary has
9 filed with the Securities and Exchange Commission in the three
10 years immediately preceding the submittal, if the corporation or
11 subsidiary thereof has held a hazardous waste facility permit or
12 operated a hazardous waste facility under interim status pursuant
13 to Section 25200 or 25200.5 since January 1, 1984.

14 ~~(2) Paragraph (1) does not apply to any person submitting an~~
15 ~~application to the department for the use and operation of a~~
16 ~~commercial offsite hazardous waste facility.~~

17 SEC. 2. Section 25116.5 of the Health and Safety Code is
18 amended to read:

19 25116.5. (a) “Intermediate manufacturing process stream”
20 means a material, or combination of materials, that meets all of the
21 following conditions:

22 (1) It is produced as part of the manufacturing process.

23 (2) It is used onsite on a batch or continuous basis, in either the
24 same or in a different manufacturing process to produce a
25 commercial product.

26 (3) It is not a recyclable material.

27 (4) The person who produced the material or combination of
28 materials is able to demonstrate all of the following:

29 (A) The material, or combination of materials, is used, alone or
30 in combination with other materials, in a manufacturing process
31 that is designed for its use.

32 (B) The material, or combination of materials, is not
33 accumulated or stored in amounts greater than can be used in the
34 manufacturing process.

35 (C) The material, or combination of materials, is not handled,
36 stored, or processed in a manner that is inconsistent with its
37 intended use or the operating requirements of the manufacturing
38 process.

39 (D) The material, or combination of materials, is not burned or
40 incinerated for the purpose of abandoning or relinquishing the

1 material or combination of materials, *except as may otherwise be*
2 *allowed under both this chapter and the federal act.*

3 (b) Notwithstanding subdivision (a), a material is not an
4 intermediate manufacturing process stream if it has been released
5 in violation of this chapter, or any other applicable law, or an order
6 issued pursuant to this chapter or other applicable law, unless it has
7 been released into an appropriate containment area or structure and
8 has been promptly recovered and returned to the manufacturing
9 process, without prior treatment, for use in the originally intended
10 manufacturing process.

11 SEC. 3. Section 25143.12 of the Health and Safety Code is
12 amended to read:

13 25143.12. Notwithstanding any other provision of law, debris
14 that is contaminated only with crude oil or any of its fractions is
15 exempt from regulation under this chapter if all of the following
16 conditions are met:

17 (a) The debris consists exclusively of wood, paper, textile
18 materials, concrete rubble, metallic objects, or other solid
19 manufactured objects.

20 (b) The debris is not subject to regulation as a hazardous waste
21 or used oil under federal law.

22 (c) The debris does not contain any free liquids, as determined
23 by the paint filter test specified in the regulations adopted by the
24 department.

25 (d) The debris, if not contaminated with crude oil or any of its
26 fractions, would not be regulated as a hazardous waste under this
27 chapter or the regulations adopted pursuant to this chapter.

28 (e) The debris is not a ~~container, tank, or tank system~~ *container*
29 *or tank* that is subject to regulation as hazardous waste under this
30 chapter or the regulations adopted pursuant to this chapter.

31 (f) The debris is disposed of in a composite lined portion of a
32 waste management unit that is classified as either a Class I or Class
33 II waste management unit in accordance with Article 3
34 (commencing with Section 2530) of Chapter 15 of Division 3 of
35 Title 23 of the California Code of Regulations, the disposal is made
36 in accordance with the applicable requirements of the California
37 regional water quality control board and the California Integrated
38 Waste Management Board, and, if the waste management unit is
39 a Class II landfill, it is sited, designed, constructed, and operated
40 in accordance with the minimum standards applicable on or after

October 9, 1993, to new or expanded municipal solid waste landfills, that are contained in Part 258 (commencing with Section 258.1) of Subchapter I of Chapter 1 of Title 40 of the Code of Federal Regulations, as those regulations read on January 1, 1996.

SEC. 4. *Section 25150.6 of the Health and Safety Code is amended to read:*

25150.6. (a) Except as provided in ~~subdivision~~ subdivisions (e) and (f), the department, by regulation, may exempt a hazardous waste management activity from one or more of the requirements of this chapter, if the department does all of the following:

(1) Prepares an analysis of the hazardous waste management activity to which the exemption will apply pursuant to subdivision (b). The department shall first prepare the analysis as a preliminary analysis and make it available to the public at the same time that the department gives notice, pursuant to Section 11346.4 of the Government Code, that it proposes to adopt a regulation exempting the hazardous waste management activity from one or more of the requirements of this chapter. The department shall include, in the notice, a reference that the department has prepared a preliminary analysis and a statement concerning where a copy of the preliminary analysis can be obtained. The information in the preliminary analysis shall be updated and the department shall make the analysis available to the public as a final analysis not less than ~~ten~~ 10 working days prior to the date that the regulation is adopted.

(2) Demonstrates that one of the conclusions required by subdivision (c) is valid.

(3) Imposes, as may be necessary, conditions and limitations on the exemption that ensure that the exempted activity will not pose a significant potential hazard to human health or safety or to the environment.

(b) Before the department gives notice of a proposal to adopt a regulation exempting a hazardous waste activity from one or more of the requirements of this chapter pursuant to subdivision (a), and before the department adopts the regulation, the department shall evaluate the hazardous waste management activity and prepare, as required by paragraph (1) of subdivision (a), an analysis that addresses all of the following aspects of the activity, to the extent that the requirement or requirements from

1 which the activity will be exempted can affect these aspects of the
2 activity:

3 (1) The types of hazardous waste streams and the estimated
4 amounts of hazardous waste that are managed as part of the activity
5 and the hazards to human health or safety or to the environment
6 posed by reasonably foreseeable mismanagement of those
7 hazardous wastes and their hazardous constituents. The estimate
8 of the amounts of hazardous waste that are managed as part of the
9 activity shall be based upon information reasonably available to
10 the department.

11 (2) The complexity of the activity, and the amount and
12 complexity of operator training, equipment installation and
13 maintenance, and monitoring that are required to ensure that the
14 activity is conducted in a manner that safely and effectively
15 manages the particular hazardous waste stream.

16 (3) The chemical or physical hazards that are associated with
17 the activity and the degree to which those hazards are similar to,
18 or differ from, the chemical or physical hazards that are associated
19 with the production processes that are carried out in the facilities
20 that produce the hazardous waste that is managed as part of the
21 activity.

22 (4) The types of accidents that might reasonably be foreseen to
23 occur during the management of particular types of hazardous
24 waste streams as part of the activity, the likely consequences of
25 those accidents, and the actual reasonably available accident
26 history associated with the activity.

27 (5) The types of locations at which the activity may be carried
28 out, an estimate of the number of these locations, and the types of
29 hazards that may be posed by proximity to the land uses described
30 in subdivision (b) of Section 25232. The estimate of the number
31 of locations at which the activity may be carried out shall be based
32 upon information reasonably available to the department.

33 (c) The department shall not give notice proposing the adoption
34 of, and the department may not adopt, a regulation pursuant to
35 subdivision (a) unless it first demonstrates, using the information
36 developed in the analysis prepared pursuant to subdivision (b), that
37 one of the following is valid:

38 (1) The requirement from which the activity is exempted is not
39 significant or important in either of the following:



1 (A) Preventing or mitigating potential hazards to human health
2 or safety or to the environment posed by the activity.

3 (B) Ensuring that the activity is conducted in compliance with
4 other applicable requirements of this chapter and the regulations
5 adopted pursuant to this chapter.

6 (2) A requirement is imposed and enforced by another public
7 agency that provides protection of human health and safety and the
8 environment that is as effective as, and equivalent to, the
9 protection provided by the requirement, or requirements, from
10 which the activity is being exempted.

11 (3) Conditions or limitations imposed on the exemption will
12 provide protection of human health and safety and the
13 environment equivalent to the requirement, or requirements, from
14 which the activity is exempted.

15 (4) Conditions or limitations imposed on the exemption
16 accomplish the same regulatory purpose as the requirement, or
17 requirements, from which the activity is being exempted but at less
18 cost or greater administrative convenience and without increasing
19 potential risks to human health or safety or to the environment.

20 (d) A regulation adopted pursuant to this section shall not be
21 deemed to meet the standard of necessity, pursuant to Section
22 11349.1 of the Government Code, unless the department has
23 complied with subdivisions (b) and (c).

24 (e) The department shall not exempt a hazardous waste
25 management activity from a requirement of this chapter or the
26 regulations adopted by the department if the requirement is also a
27 requirement for that activity under the federal act.

28 (f) (1) *On and after January 1, 2002, the department may, by*
29 *regulation, exempt a hazardous waste management activity from*
30 *one or more of the requirements of this chapter pursuant to this*
31 *section only if the regulations govern the management of one of the*
32 *hazardous wastes listed in subparagraphs (A) to (E), inclusive, of*
33 *paragraph (2), the regulations identify the hazardous waste as a*
34 *universal waste, and the regulations amend the standards for*
35 *universal waste management set forth in Chapter 23 (commencing*
36 *with Section 66273.1) of Division 4.5 of Title 22 of the California*
37 *Code of Regulations.*

38 (2) *The regulations that the department may adopt pursuant to*
39 *paragraph (1) shall govern only the following types of hazardous*
40 *waste:*

1 (A) *Electronic hazardous wastes, as the department may*
2 *describe in the regulations adopted pursuant to this subdivision.*

3 (B) *Hazardous waste batteries.*

4 (C) *Hazardous wastes containing mercury.*

5 (D) *Hazardous waste lamps.*

6 (E) *Lead-painted wood debris that is a hazardous waste.*

7 (g) The authority of the department to adopt regulations
8 pursuant to this section shall remain in effect only until January 1,
9 ~~2002~~ 2003, unless a later enacted statute, which is enacted before
10 January 1, ~~2002~~ 2003, deletes or extends that date. This
11 subdivision does not invalidate any regulation adopted pursuant to
12 this section prior to the expiration of the department's authority.

13 SEC. 5. Section 25159 of the Health and Safety Code is
14 amended to read:

15 25159. The department shall adopt and revise when necessary
16 regulations that will allow the state to receive and maintain
17 authorization to administer a state hazardous waste program in lieu
18 of the federal program pursuant to Section 6926 of the federal act.
19 When reviewing a regulation adopted pursuant to this section, the
20 Office of Administrative Law shall not review the regulation for
21 nonduplication, notwithstanding paragraph (6) of subdivision (a)
22 of Section 11349.1 of the Government Code.

23 ~~SEC. 5.—~~

24 SEC. 6. Section 25159.5 of the Health and Safety Code is
25 amended to read:

26 25159.5. (a) In adopting or revising standards and
27 regulations pursuant to this chapter, the department shall, insofar
28 as practicable, make the standards and regulations conform with
29 corresponding regulations adopted by the Environmental
30 Protection Agency pursuant to the federal act. This section does
31 not prohibit the department from adopting standards and
32 regulations that are more stringent or more extensive than federal
33 regulations.

34 (b) Until the state program is granted final authorization by the
35 Environmental Protection Agency pursuant to Section 6926 of
36 Title 42 of the United States Code, all regulations adopted pursuant
37 to the federal act shall be deemed to be the regulations of the
38 department, except that any state statute or regulation which is
39 more stringent or more extensive than a federal regulation shall
40 supersede the federal regulation.

~~SEC. 6.—~~

SEC. 7. Section 25159.6 of the Health and Safety Code is amended to read:

25159.6. Until the department adopts standards and regulations corresponding to, and equivalent to, or more stringent or extensive than, regulations adopted by the Environmental Protection Agency pursuant to Sections 6922 to 6926, inclusive, of Title 42 of the United States Code, the following shall apply:

(a) Any person who produces a waste that is a hazardous waste as defined by Section 25117 shall comply with this chapter and regulations adopted pursuant to this chapter and, in addition, to the extent that the waste is both hazardous, as defined by regulations adopted pursuant to Section 6921 of Title 42 of the United States Code, and has not been excluded from regulation pursuant to that section, the person shall also comply with federal regulations adopted pursuant to Section 6922 of Title 42 of the United States Code.

(b) Any person who transports a waste that is a hazardous waste shall comply with this chapter and regulations adopted pursuant to this chapter and, in addition, to the extent that the waste is both hazardous, as defined by regulations adopted pursuant to Section 6921 of Title 42 of the United States Code, and has not been excluded from regulation pursuant to that section, the person shall also comply with federal regulations adopted pursuant to Section 6923 of Title 42 of the United States Code.

(c) Any person who owns or operates a hazardous waste facility shall comply with this chapter and regulations adopted pursuant to this chapter and, in addition, to the extent that the facility is defined as a hazardous waste facility in regulations adopted under the federal act, and to the extent that the waste is both hazardous, as defined by regulations adopted pursuant to Section 6921 of Title 42 of the United States Code, and has not been excluded from regulation pursuant to that section, that person shall also comply with federal regulations adopted pursuant to Sections 6924 and 6925 of Title 42 of the United States Code.

~~SEC. 7.—~~

SEC. 8. Section 25159.7 of the Health and Safety Code is amended to read:

25159.7. The department is authorized to carry out all hazardous waste management responsibilities imposed or

1 authorized by the federal act, and the Comprehensive
2 Environmental Response, Compensation, and Liability Act of
3 1980 (42 U.S.C. Sec. 9601 et seq.), including any subsequent
4 amendments of these federal acts, and any regulations adopted
5 pursuant to these federal acts.

6 ~~SEC. 8.—~~

7 *SEC. 9.* Section 25159.8 of the Health and Safety Code is
8 amended to read:

9 25159.8. Nothing in this chapter shall be construed as
10 prohibiting the furnishing of trade secret information to the
11 Environmental Protection Agency to the extent required by law to
12 obtain and maintain interim and final authorization to implement
13 the state hazardous waste program in lieu of the federal program
14 under the federal act. If the department has received a written
15 claim that particular information furnished to the Environmental
16 Protection Agency is trade secret information, the department
17 shall so inform the Environmental Protection Agency.

18 ~~SEC. 9.—~~

19 *SEC. 10.* Section 25159.9 of the Health and Safety Code is
20 amended to read:

21 25159.9. Notwithstanding any other provision of law, the
22 department may make available to the Environmental Protection
23 Agency, or any other federal agency, any and all information
24 necessary to be furnished to these agencies in order to comply with
25 the federal act in order to obtain and maintain authorization to
26 administer the state hazardous waste program in lieu of the federal
27 program. The sharing of information between the department and
28 a federal agency pursuant to this section shall not constitute a
29 waiver by the department or any affected person of any privilege
30 or confidentiality of the information provided by law.

31 ~~SEC. 10.—~~

32 *SEC. 11.* *Section 25163.3 of the Health and Safety Code is*
33 *amended to read:*

34 25163.3. A person who initially collects hazardous waste at a
35 remote site and transports that hazardous waste to a consolidation
36 site operated by the generator and who complies with the
37 notification requirements of subdivision (d) of Section 25110.10
38 shall be exempt from the manifest and transporter registration
39 requirements of Sections 25160 and 25163 with regard to the
40 hazardous waste if all of the following conditions are met:



1 (a) The hazardous waste is a non-RCRA hazardous waste, or
2 the hazardous waste or its transportation is otherwise exempt from,
3 or is not otherwise regulated pursuant to, the federal act.

4 (b) The conditions and requirements of Section 25121.3 are
5 met.

6 (c) The regulations adopted by the department pertaining to
7 personnel training requirements for generators are complied with
8 for all personnel handling the hazardous waste during
9 transportation from the remote site to the consolidation site.

10 (d) The hazardous waste is transported by employees of the
11 generator or by trained contractors under the control of the
12 generator, in vehicles which are under the control of the generator,
13 or by registered hazardous waste transporters. The generator shall
14 assume liability for a spill of hazardous waste being transported
15 under this section by the generator, or a contractor in a vehicle
16 under the control of the generator or contractor. Nothing in this
17 subdivision bars any agreement to insure, hold harmless, or
18 indemnify a party to the agreement for any liability under this
19 section or otherwise bars any cause of action a generator would
20 otherwise have against any other party.

21 (e) The hazardous waste is not held at any interim location,
22 other than another remote site operated by the same generator, for
23 more than eight hours, unless that holding is required by other
24 provisions of law.

25 (f) Not more than 275 gallons or 2,500 pounds, whichever is
26 greater, of hazardous waste is transported in any *single* shipment,
27 except that a generator who is a public utility or municipal utility
28 district may transport *up to 1,500 gallons of hazardous wastewater*
29 *from the dewatering of one or more utility vaults, or up to 500*
30 *gallons of liquid hazardous waste in a shipment.*

31 (g) A shipping paper containing all of the following
32 information accompanies the hazardous waste while in transport,
33 except as provided in subdivision (h).

34 (1) A list of the hazardous wastes being transported.

35 (2) The type and number of containers being used to transport
36 each type of hazardous waste.

37 (3) The quantity, by weight or volume, of each type of
38 hazardous waste being transported.

(4) The physical state, such as solid, powder, liquid, semi-liquid, or gas, of each type of hazardous waste being transported.

(5) The location of the remote site where the hazardous waste is initially collected.

(6) The location of any interim site where the hazardous waste is held en route to the consolidation site.

(7) The name, address, and telephone number of the generator, and, if different, the address and telephone number of the consolidation site to which the hazardous waste is being transported.

(8) The name and telephone number of an emergency response contact, for use in the event of a spill or other release.

(9) The name of the individual or individuals who transport the hazardous waste from the remote site to the consolidation site.

(10) The date that the generator first begins to actively manage the hazardous waste at the remote site, the date that the shipment leaves the remote site where the hazardous waste is initially collected, and the date that the shipment arrives at the consolidation site.

(h) A shipping paper is not required if the total quantity of the shipment does not exceed 10 pounds of hazardous waste, except that a shipping paper is required to transport any quantity of extremely or acutely hazardous waste.

(i) All shipments conform with all applicable requirements of the United States Department of Transportation for hazardous materials shipments.

SEC. 12. Section 25169.1 of the Health and Safety Code is repealed.

~~*SEC. 11.*~~

SEC. 13. Section 25200.4 is added to the Health and Safety Code, to read:

25200.4. (a) Any application for a hazardous waste facilities permit or other grant of authorization to use and operate a hazardous waste facility made pursuant to this article, except for an application made by a federal, state, or local agency, shall include a disclosure statement, as defined in Section 25112.5.

(b) The requirements of this section do not apply to a person operating pursuant to a permit-by-rule, conditional authorization, or conditional exemption.

(c) Notwithstanding subdivision (a), an applicant for a series C standardized permit, as specified in Section 25201.6, shall submit a disclosure statement to the department *only* upon request.

~~SEC. 12. Section 25250.28 is added to the Health and Safety Code, to read:~~

~~25250.28. (a) For purposes of this section, “automated onboard oil management system” means a system that monitors oil parameters to extend engine maintenance intervals and meets both of the following conditions:~~

~~(1) The automated onboard oil management system operates in a closed loop manner by periodically and automatically directing oil from the crankcase into the fuel tank as a fuel supplement, determining the amount of oil to transfer based on electronic sensing of viscosity, permittivity, or other similar characteristics of the oil in the crankcase.~~

~~(2) The automated onboard oil management system is designed and operated to diminish the overall use of oil in the engine and to significantly extend the period of time between oil changes.~~

~~(b) Notwithstanding any other provision of law, oil that is being managed by an automated onboard oil management system and that is approved by the department pursuant to subdivision (c) is exempt from the requirements of this article and is excluded from classification as a waste under this chapter.~~

~~(c) Before an automated onboard oil management system may be operated in a new class of equipment, the department shall approve that operation pursuant to this subdivision. The operator or manufacturer shall submit a notification to the department containing a description of the system, the system’s application to that equipment, and the system’s conformance with this section. The department shall determine whether to approve or disapprove the operation of that system within 60 days of the date the department receives the notification, after considering whether the system, as applied to the subject class of equipment, meets the requirements of this section and satisfies any other conditions, enforceable by the department, that the department determines are necessary to protect human health and the environment.~~

~~(d) This section does not exempt any of the following:~~

~~(1) Oil removed from an engine, other than through the operation of an automated onboard oil management system, from this article or from classification as a waste under this chapter.~~

~~(2) Emissions or other releases into the environment resulting from the operation of an automated onboard oil management system, from otherwise applicable air emissions standards or any other applicable law.~~

~~(3) Oil managed by an automated onboard oil management system on vehicles authorized to be driven on the public highways pursuant to the Vehicle Code.~~

~~SEC. 13.—~~

SEC. 14. Section 25201.6 of the Health and Safety Code is amended to read:

25201.6. (a) For purposes of this section and Section 25205.2, the following terms have the following meaning:

(1) “Series A standardized permit” means a permit issued to a facility that meets one or more of the following conditions:

(A) The total influent volume of liquid hazardous waste treated is greater than 50,000 gallons per calendar month.

(B) The total volume of solid hazardous waste treated is greater than 100,000 pounds per calendar month.

(C) The total facility storage design capacity is greater than 500,000 gallons for liquid hazardous waste.

(D) The total facility storage design capacity is greater than 500 tons for solid hazardous waste.

(E) A volume of liquid or solid hazardous waste is stored at the facility for more than one calendar year.

(2) “Series B standardized permit” means a permit issued to a facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not exceed any of the upper volume limits specified in subparagraphs (A) to (D), inclusive, and that meets one or more of the following conditions:

(A) The total influent volume of liquid hazardous waste treated is greater than 5,000 gallons, but does not exceed 50,000 gallons, per calendar month.

(B) The total volume of solid hazardous waste treated is greater than 10,000 pounds, but does not exceed 100,000 pounds, per calendar month.

(C) The total facility storage design capacity is greater than 50,000 gallons, but does not exceed 500,000 gallons, for liquid hazardous waste.

(D) The total facility storage design capacity is greater than 100,000 pounds, but does not exceed 500 tons, for solid hazardous waste.

(3) “Series C standardized permit” means a permit issued to a facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not conduct thermal treatment of hazardous waste, with the exception of evaporation, and that either meets the requirements of paragraph (3) of subdivision (g) or meets all of the following conditions:

(A) The total influent volume of liquid hazardous waste treated does not exceed 5,000 gallons per calendar month.

(B) The total volume of solid hazardous waste treated does not exceed 10,000 pounds per calendar month.

(C) The total facility storage design capacity does not exceed 50,000 gallons for liquid hazardous waste.

(D) The total facility storage design capacity does not exceed 100,000 pounds for solid hazardous waste.

(b) The department shall adopt regulations specifying standardized hazardous waste facilities permit application forms that may be completed by a non-RCRA Series A, B, or C treatment, storage, or treatment and storage facility, in lieu of other hazardous waste facilities permit application procedures set forth in regulations. The department shall not issue permits under this section to specific classes of facilities unless the department finds that doing so will not create a competitive disadvantage to a member or members of that class that were in compliance with the permitting requirements which were in effect on September 1, 1992.

(c) The regulations adopted pursuant to subdivision (b) shall include all of the following:

(1) Require that the standardized permit notification be submitted to the department on or before October 1, 1993, for facilities existing on or before September 1, 1992, except for facilities specified in paragraphs (2) and (3) of subdivision (g). The standardized permit notification shall include, at a minimum, the information required for a Part A application as described in the regulations adopted by the department.

(2) Require that the standardized permit application be submitted to the department within six months of the submittal of the standardized permit notification. The standardized permit

1 application shall require, at a minimum, that the following
2 information be submitted to the department for review prior to the
3 final permit determination:

4 (A) A description of the treatment and storage activities to be
5 covered by the permit, including the type and volumes of waste,
6 the treatment process, equipment description, and design capacity.

7 (B) A copy of the closure plan as required by paragraph (13) of
8 subdivision (b) of Section 66270.14 of Title 22 of the California
9 Code of Regulations.

10 (C) A description of the corrective action program, as required
11 by Section 25200.10.

12 (D) Financial responsibility documents specified in paragraph
13 (17) of subdivision (b) of Section 66270.14 of Title 22 of the
14 California Code of Regulations.

15 (E) A copy of the topographical map as specified in paragraph
16 (18) of subdivision (b) of Section 66270.14 of Title 22 of the
17 California Code of Regulations.

18 (F) A description of the individual container, and tank and
19 containment system, and of the engineer's certification, as
20 specified in Sections 66270.15 and 66270.16 of Title 22 of the
21 California Code of Regulations.

22 (G) Documentation of compliance, if applicable, with the
23 requirements of Article 8.7 (commencing with Section 25199).

24 (3) Require that a facility operating pursuant to a standardized
25 permit comply with the liability assurance requirements in Section
26 25200.1.

27 (4) Specify which of the remaining elements of the permit
28 application, as described in subdivision (b) of Section 66270.14 of
29 Title 22 of the California Code of Regulations, shall be the subject
30 of a certification of compliance by the applicant.

31 (5) Establish a procedure for imposing an administrative
32 penalty pursuant to Section 25187, in addition to any other
33 penalties provided by this chapter, upon an owner or operator of
34 a treatment or storage facility that is required to obtain a hazardous
35 waste facilities permit and that meets the criteria for a Series A, B,
36 or C permit listed in subdivision (a), who does not submit a
37 standardized permit notification to the department on or before the
38 submittal deadline specified in paragraph (1) or the submittal
39 deadline specified in paragraph (2) or (3) of subdivision (g),
40 whichever date is applicable, and who continues to operate the

1 facility without obtaining a hazardous waste facilities permit or
2 other grant of authorization from the department after the
3 applicable deadline for submitting the notification to the
4 department. In determining the amount of the administrative
5 penalty to be assessed, the regulations shall require the amount to
6 be based upon the economic benefit gained by that owner or
7 operator as a result of failing to comply with this section.

8 (6) Require that a facility operating pursuant to a standardized
9 permit comply, at a minimum, with the interim status facility
10 operating requirements specified in the regulations adopted by the
11 department, except that the regulations adopted pursuant to this
12 section may specify financial assurance amounts necessary to
13 adequately respond to damage claims at levels that are less than
14 those required for interim status facilities if the department
15 determines that lower financial assurance levels are appropriate.

16 (d) (1) Any regulations adopted pursuant to this section may
17 be adopted as emergency regulations in accordance with Chapter
18 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
19 Title 2 of the Government Code.

20 (2) On and before January 1, 1995, the adoption of the
21 regulations pursuant to paragraph (1) is an emergency and shall be
22 considered by the Office of Administrative Law as necessary for
23 the immediate preservation of the public peace, health and safety,
24 and general welfare.

25 (e) The department may not grant a permit under this section
26 unless the department has determined the adequacy of the material
27 submitted with the application and has conducted an inspection of
28 the facility and determined all of the following:

29 (1) The treatment process is an effective method of treating the
30 waste, as described in the permit application.

31 (2) The corrective action plan is appropriate for the facility.

32 (3) The financial assurance is sufficient for the facility.

33 (f) (1) Interim status shall not be granted to a facility that does
34 not submit a standardized permit notification on or before October
35 1, 1993, unless the facility is subject to paragraph (2) or (3) of
36 subdivision (g).

37 (2) Interim status shall be revoked if the permit application is
38 not submitted within six months of the permit notification.

39 (3) Interim status granted to any facility pursuant to this section
40 and Sections 25200.5 and 25200.9 shall terminate upon a final

1 permit determination or January 1, 1998, whichever date is earlier.
2 This paragraph shall apply retroactively to facilities for which a
3 final permit determination is made on or after September 30, 1995.

4 (4) A treatment, storage, or treatment and storage facility
5 operating pursuant to interim status that applies for a permit
6 pursuant to this section shall pay fees to the department in an
7 amount equal to the fees established by subdivision (e) of Section
8 25205.4 for the same size and type of facility.

9 (g) (1) Except as provided in paragraphs (2), (3), and (4), a
10 facility treating used oil or solvents, or ~~which~~ *that* engages in
11 incineration, thermal destruction, or any land disposal activity, is
12 not eligible for a standardized permit pursuant to this section.

13 (2) (A) Notwithstanding paragraph (1), an offsite facility
14 treating solvents is eligible for a standardized permit pursuant to
15 this section if all of the following conditions are met:

16 (i) The facility exclusively treats solvent wastes, and is not
17 required to obtain a permit pursuant to the federal act.

18 (ii) The solvent wastes that the facility treats are only the types
19 of solvents generated from dry cleaning operations.

20 (iii) Ninety percent or more of the solvents that the facility
21 receives are from dry cleaning operations.

22 (iv) Ninety percent or more of the solvents that the facility
23 receives are recycled and sold by the facility, excluding recycling
24 for energy recovery, provided that the facility does not produce
25 more than 15,000 gallons per month of recycled solvents.

26 (B) A facility that is eligible for a standardized permit pursuant
27 to this paragraph is also eligible for the fee exemption provided in
28 subdivision (d) of Section 25205.12 for any year or reporting
29 period prior to January 1, 1995, if the owner or operator complies
30 with the notification and application requirements of this section
31 on or before March 1, 1995.

32 (C) A facility treating solvents pursuant to this paragraph shall
33 clearly label all recycled solvents as recycled prior to subsequent
34 sale or distribution.

35 (D) Notwithstanding that a facility eligible for a standardized
36 permit pursuant to this paragraph meets the eligibility
37 requirements for a Series C standardized permit specified in
38 paragraph (3) of subdivision (a), the facility shall obtain and meet
39 the requirements for a Series B standardized permit specified in
40 paragraph (2) of subdivision (a).

(E) Notwithstanding any other provision of this chapter, for purposes of this paragraph, if the recycled material is to be used for dry cleaning, “recycled” means the removal of water and inhibitors from waste solvent and the production of dry cleaning solvent with an appropriate inhibitor for dry cleaning use. The removal of inhibitors is not required if all of the solvents received by the facility that are recycled for dry cleaning use are from dry cleaners.

(3) (A) Notwithstanding paragraph (1), an owner or operator with a surface impoundment used only to contain non-RCRA wastes generated onsite, that holds those wastes for not more than one 30-day period in any calendar year, and that meets the criteria specified in paragraphs (i) to (iii), inclusive, may submit a Series C standardized permit application to the department. A surface impoundment is eligible for operation under the Series C standardized permit tier if all of the following requirements are met:

(i) The waste and any residual materials are removed from the surface impoundment within 30 days of the date the waste was first placed into the surface impoundment.

(ii) The owner or operator has, and is in compliance with, current waste discharge requirements issued by the appropriate California regional water quality control board for the surface impoundment.

(iii) The owner or operator complies with all applicable groundwater monitoring requirements of the regulations adopted by the department pursuant to this chapter.

(B) A facility that is eligible for a standardized permit pursuant to this paragraph is also eligible for the fee exemption provided in subdivision (d) of Section 25205.12 for any year or reporting period prior to January 1, 1996, if the owner or operator complies with the notification and application requirements of this section on or before March 1, 1996.

(4) For purposes of this subdivision, treating solvents and thermal destruction do not include the ~~incidental~~ destruction of ~~small amounts~~ of nonmetal constituents in a thermal treatment unit that is operated solely for the purpose of the recovery of precious metals, if that unit is operating pursuant to a standardized permit issued by the department *and the unit is in compliance with the applicable requirements of Division 26 (commencing with Section*

1 39000). *This paragraph does not prohibit the department from*
2 *specifying, in the standardized permit for such a unit, a maximum*
3 *concentration of nonmetal constituents, if the department*
4 *determines that this requirement is necessary for protection of*
5 *human health or safety of the environment.*

6 (h) Facilities operating pursuant to this section shall comply
7 with Article 4 (commencing with Section 66270.40) of Chapter 20
8 of Division 4.5 of Title 22 of the California Code of Regulations.

9 (i) (1) The department shall require an owner or operator
10 applying for a standardized permit to complete and file a phase I
11 environmental assessment with the application. However, if a
12 RCRA facility assessment has been performed by the department,
13 the assessment shall be deemed to satisfy the requirement of this
14 subdivision to complete and file a phase I environmental
15 assessment, and the facility shall not be required to submit a phase
16 I environmental assessment with its application.

17 (2) (A) For purposes of this subdivision, the phase I
18 environmental assessment shall include a preliminary site
19 assessment, as described in subdivision (a) of Section 25200.14,
20 except that the phase I environmental assessment shall also include
21 a certification, signed, except as provided in subparagraph (B), by
22 the owner, and also by the operator if the operator is not the owner,
23 of the facility and an independent professional engineer, geologist,
24 or environmental assessor registered in the state.

25 (B) Notwithstanding subparagraph (A), the certification for a
26 permanent household waste collection facility may be signed by
27 any professional engineer, geologist, or environmental assessor
28 registered in the state, including, but not limited to, such a person
29 employed by the governmental entity, but if the facility owner is
30 not a governmental entity, the engineer, geologist, or assessor
31 signing the certification shall not be employed by, or be an agent
32 of, the facility owner.

33 (3) The certification specified in paragraph (2) shall state
34 whether evidence of a release of hazardous waste or hazardous
35 constituents has been found.

36 (4) If evidence of a release has been found, the facility shall
37 complete a detailed site assessment to determine the nature and
38 extent of any contamination resulting from the release and shall
39 submit a corrective action plan to the department, within one year
40 of submittal of the standardized permit application.

(j) The department shall establish an inspection program to identify, inspect, and bring into compliance any treatment, storage, or treatment and storage facility ~~which~~ *that* is eligible for, and is required to obtain, a standardized hazardous waste facilities permit pursuant to this section, and ~~which~~ *that* is operating without a permit or other grant of authorization from the department for that treatment or storage activity.

(k) A treatment, storage, or treatment and storage facility authorized to operate pursuant to a hazardous waste facilities permit issued pursuant to Section 25200, ~~which~~ *that* meets the criteria listed in subdivision (a) for a standardized permit, may operate pursuant to a Series A, B, or C standardized permit by completing the appropriate permit modification procedure specified in the regulations for such a modification.

SEC. 15. Section 25250.28 is added to the Health and Safety Code, to read:

25250.28. (a) For purposes of this section, "automated onboard oil management system" means a system designed to extend the intervals between necessary oil changes and diminish the use of crankcase oil by electronically sensing changes in the physical properties of the oil in the crankcase and, based on the properties detected, periodically transferring oil directly from the engine crankcase into the fuel tank to be burned as fuel.

(b) Notwithstanding any other provision of law, oil that is managed by an automated onboard oil management system is exempt from the requirements of this article and is excluded from classification as a waste under this chapter if either of the following conditions are satisfied:

(1) The system is applied to a mining vehicle with a gross vehicle weight capacity in excess of 200,000 pounds or a locomotive, and both of the following conditions are satisfied:

(A) Data concerning the air emissions associated with the operation of the system in those classes of equipment is submitted to the State Air Resources Board on or before January 1, 2002, and the data demonstrates that the operation of the system will not significantly impair the state's air quality.

(B) The system is designed, maintained, and operated in a manner that does all of the following:

(i) The leakage of oil from any of the component parts of the system is prevented.

1 (ii) *The quantity of used oil in the fuel tank at any given time is*
2 *not more than 3 percent of the nominal capacity of the fuel tank.*

3 (iii) *The system meets the air emission criteria demonstrated by*
4 *the applicant in the air emissions data submitted to the State Air*
5 *Resources Board pursuant to subparagraph (A).*

6 (2) *The system and the use of the system is approved by the State*
7 *Air Resources Board, after consultation with the department, and*
8 *all of the following requirements are satisfied:*

9 (A) *The State Air Resources Board determines that operation*
10 *of the system will not significantly impair the state's air quality.*

11 (B) *A description of the manner in which the system will be*
12 *operated to ensure compliance with the federal act and the Clean*
13 *Air Act, as amended (42 U.S.C. Sec. 7401 et seq.) is submitted with*
14 *the application for approval of the system pursuant to this*
15 *paragraph and the system is operated in accordance with that*
16 *criteria.*

17 (C) *The system is designed, maintained, and operated in a*
18 *manner that prevents the leakage of oil from any of the component*
19 *parts of the system.*

20 (D) *The system shall be designed, maintained, and operated in*
21 *compliance with any conditions that the State Air Resources*
22 *Board, after consultation with the department, determines to be*
23 *necessary to ensure compliance with the requirements of this*
24 *section.*

25 SEC. 16. No reimbursement is required by this act pursuant
26 to Section 6 of Article XIII B of the California Constitution
27 because the only costs that may be incurred by a local agency or
28 school district will be incurred because this act creates a new crime
29 or infraction, eliminates a crime or infraction, or changes the
30 penalty for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition of a
32 crime within the meaning of Section 6 of Article XIII B of the
33 California Constitution.